

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, *ex rel.*  
*Jacob Kuriyan* and STATE OF NEW MEXICO,  
*ex rel. Jacob Kuriyan*,

Plaintiffs,

vs.

No. CIV 16-1148 JB/KK

HEALTH CARE SERVICES CORPORATION  
*doing business as* BLUE CROSS & BLUE  
SHIELD OF NEW MEXICO; MOLINA  
HEALTHCARE OF NEW MEXICO, INC.;  
PRESBYTERIAN HEALTH PLAN, INC.;  
UNITEDHEALTHCARE OF NEW MEXICO,  
INC. and HCSC INSURANCE SERVICES CO  
*doing business as* BLUE CROSS & BLUE  
SHIELD OF NEW MEXICO,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the letter from Paul R. Ritzma, Chief General Counsel, New Mexico Human Services Department, to the Court (dated August 17, 2022), filed August 17, 2022 (Doc. 327 (Ex Parte))("Letter"). The Letter concerns: (i) an objection from the June 2, 2022 deposition of Jason Sanchez, filed June 17, 2022 (Doc. 288-7)("Sanchez Dep."); (ii) an objection from the June 1, 2022 deposition of Brent Earnest, filed June 17, 2022 (Doc. 288-6)("Earnest Dep."); and (iii) Relator's Notice of Questions for Brent Earnest and Jason Sanchez, filed July 15, 2022 (Doc. 310)("Proposed Questions").

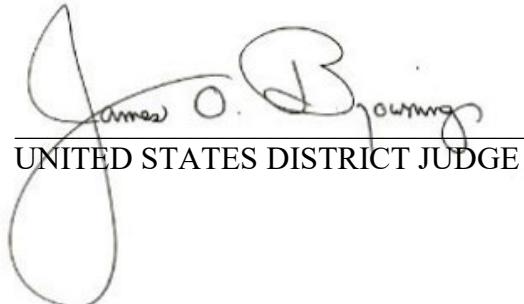
1. Jason Sanchez. The fact that an attorney talks to a client is not privileged. Sanchez will need to answer the question that was presented, *i.e.*, "Did Mr. Ritzma say anything in the e-

mail that accompanied these documents?” See Sanchez Dep. at 3. He may give a one-word answer.

2. Brent Earnest. Earnest does not need to answer the question to which Mr. Ritzma objects, i.e., “What about the deposition?” See Earnest Dep. at 4.

3. Proposed Questions. Relator Jacob Kuriyan may ask question number five from the list of Proposed Questions, but not the follow-up question or any other questions. See Proposed Questions at 2. The deponents may answer question number five with a one-word answer.

**IT IS ORDERED** that: (i) Jason Sanchez will need to answer the question that was posed, i.e., “Did Mr. Ritzma say anything in the e-mail that accompanied these documents?”; (ii) Brent Earnest does not need to answer the question to which Mr. Ritzma objects, i.e., “What about the depositions?”; (iii) Sanchez and Earnest will need to answer question five from Relator’s Notice of Questions for Brent Earnest and Jason Sanchez, filed July 15, 2022 (Doc. 310); and (iv) no other question may be asked or need be answered.



\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

*Counsel:*

Bryan J. Davis  
William Garth Gilchrist  
Ellen A. Geske  
Davis & Gilchrist, P.C.  
Albuquerque, New Mexico

-- and --

Robert L. Lieff  
Lieff Cabraser Heimann & Bernstein, LLP  
San Francisco, California

*Attorneys for the Plaintiff*

Benjamin E. Thomas  
Christina Muscarella Gooch  
Sutin, Thayer & Browne A Professional Corporation  
Albuquerque, New Mexico

-- and --

Edwin E. Brooks  
McGuireWoods LLP  
Chicago, Illinois

-- and --

Steven Hamilton  
Reed Smith LLP  
Chicago, Illinois

*Attorneys for Defendant Healthcare Services Corporation*

Benjamin E. Thomas  
Christina Muscarella Gooch  
Sutin, Thayer & Browne A Professional Corporation  
Albuquerque, New Mexico

-- and --

Jarrad Lucian Wood  
Reed Smith LLP  
Los Angeles, California

-- and --

Jason T. Mayer  
Steven Hamilton  
Reed Smith LLP  
Chicago, Illinois

*Attorneys for Defendant HCSC Insurance Services Co*

Gregory Marshall  
Jeanne Y. Sohn  
Snell & Wilmer L.L.P.  
Albuquerque, New Mexico

-- and --

Steven Paul Ragland  
Julia L. Allen  
Maya Perelman  
Keker, Van Nest & Peters LLP  
San Francisco, California

*Attorneys for Defendant Molina Healthcare of New Mexico, Inc.*

Charles J. Stevens  
Peter Lyons George, Jr.  
Winston Y. Chan  
Gibson, Dunn & Crutcher LLP  
San Francisco, California

-- and --

Charles K. Purcell  
Rodey, Dickason, Sloan, Akin & Robb, P.A.  
Albuquerque, New Mexico

*Attorneys for Defendant Presbyterian Health Plan, Inc.*

Matthew Eric Jackson  
Peifer, Hanson, Mullins & Baker, P.A.  
Albuquerque, New Mexico

-- and --

Mark T. Calloway  
Michael R. Hoernlein  
Alston & Bird LLP  
Charlotte, North Carolina

*Attorneys for Defendant UnitedHealthcare of New Mexico, Inc.*

Alexander M.M. Uballez  
United States Attorney  
Brian M. Boynton  
Principal Deputy Assistant Attorney General  
Ruth Fuess Keegan  
Assistant United States Attorney  
United States Attorney's Office  
Albuquerque, New Mexico

-- and --

Jamie Ann Yavelberg  
Patricia L. Hanower  
Carol Lynn Wallack  
David W. Tyler  
Attorneys, Civil Division  
United States Department of Justice, Civil Division  
Washington, District of Columbia

*Attorneys for the United States of America*

Hector Balderas  
New Mexico Attorney General  
Zachary Shandler  
Constance Tatham  
Assistant Attorneys General  
New Mexico Office of the Attorney General

*Attorneys for the State of New Mexico*